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Federal Communications Commission
Washington, D.C. 20554

JAN 28 1998

97-192

IN PARTIAL FILE

The Honorable Dan Coats
United States Senate
404 Russell Senate Office Building
Washington, D.C. 20510

DOCKET FILE COPY ORIGINAL

RECEIVED

JAN 30 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Coats:

Thank you for your letter dated December 11, 1997, on behalf of your constituent, Mayor Duane Dedelow, City of Hammond, Indiana, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in their respective communities. Your constituent's letter refers to three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter and your constituent's letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

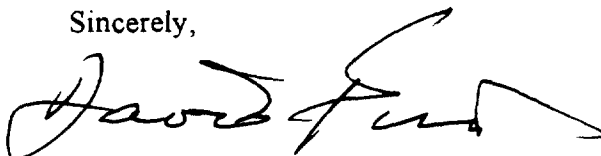
The Honorable Dan Coats

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Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

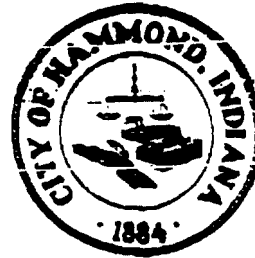
Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth", with a stylized, sweeping flourish extending from the end of the name.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

DUANE W. DEDELOW, JR., MAYOR

97 NOV 10 PM 3:13



CITY OF HAMMOND, INDIANA 46320

5925 CALUMET AVENUE

PHONE (219) 853-6301

November 5, 1997

Honorable Dan Coats
United States Senate
404 Russell Senate Office Building
Washington, D.C. 20510-1403

Dear Senator Coats:

I am writing to urge you to contact the Federal Communications Commission (FCC) regarding its inappropriate and arguably illegal actions in attempting to usurp local authority in zoning matters.

For many years now both Congress and the courts have steadfastly held that zoning is a purely local issue. The FCC, however, seems to believe otherwise. Its current attempt to become a federal zoning commission for cellular towers has clearly crossed the legally established line of local authority.

As you may recall, Congress recently addressed this issue in the 1996 Telecommunications Act. It was made expressly clear that Congress was preserving local zoning authority over cellular towers. The FCC, however, has taken the minor authority it was left with (regulating radiation from cellular antennas) and is attempting to overrule local zoning board decisions. This action is a direct violation of the 1996 Telecommunication Act and should be ceased immediately.

I am writing on behalf of my constituents to urge you to contact FCC Chairman, William Kennard and the FCC Commissioners and request that the FCC refrain from its intrusive behavior into local authority in cases WT 97-197; MM Docket 97-182, and DA 96-2140.

Honorable Dan Coats

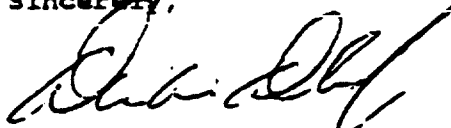
November 5, 1997

Page Two

This agency is supposed to be impartial. Its recent actions, however, illustrate never before seen bias in favor of the communications giants. This has got to stop. The issue of zoning is fundamentally and legally a local matter. The FCC should not be allowed to use its administrative authority to run ripshop over many years of legal precedence. The current trend of FCC actions should be reversed and the FCC should be made to listen to and act within the scope of authority delegated to it by its boss - Congress.

Thank you for your assistance you can grant in this matter.

Sincerely,



Duane W. Dodelow, Jr.
Mayor, City of Hammond

DWD/jms



WTB
97-182
7965

Dan Coats

404 RUSSELL OFFICE BUILDING, WASHINGTON, D.C. 20510
PHONE (202) 224-5623

To: Sheryl Wilkerson

From: Paul Yanosy

Re: enclosed

Date: 12/11/97

Number of pages following: 3

NOTES

Thurles -

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2/11/97 16:56 ☎

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DAN COATS
INDIANA

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United States Senate

WASHINGTON, DC 20510

COMMITTEES
ARMED SERVICES
LABOR AND HUMAN
RESOURCES
SELECT COMMITTEE
ON INTELLIGENCE

December 11, 1997

Sheryl Wilkerson
Legislative Affairs
Federal Communications Commission
1919 M Street NW
Room 808
Washington, D.C. 20554

Dear Sheryl:

I would appreciate your comments on the enclosed correspondence that I have received from an Indiana constituent, Mayor Duane Dedelow. I would like to be as responsive as possible to the concerns expressed in the letter, and any assistance that you could provide would be helpful.

Please direct your response to Paul Yanosy in my Washington office. In advance, I thank you for your assistance with this matter.

Sincerely,



Dan Coats
U. S. Senator

DC:ply

Enclosure